Floodplain Management Plan

New York State Homes and Community Renewal

Community Development Block Grant – Disaster Recovery

NY Rising Housing Recovery Program for 5+ Unit Residential Properties

Herkimer County, New York

Effective Date: December 29, 2014

Executive Order 11988 – Floodplain Management

New York State Homes and Community Renewal

U.S. Department of Housing and Urban Development
Community Development Block Grant – Disaster Recovery (CDBG-DR)
NY Rising Housing Recovery Program for 5+ Unit Residential Properties

Herkimer County, New York
Effective Date: December 29, 2014

This Floodplain Management Plan meets the requirements of 24 CFR Part 55.20 and Executive Order 11988—Floodplain Management—for the NY Rising Housing Recovery Program for 5+ Unit Residential Properties (Program) in Herkimer County, NY. The housing properties are participating in the U.S. Department of Urban Development (HUD) Community Development Block Grant Program as administered by the State of New York Action Plan for Community Development Block Grant Program – Disaster Recovery (CDBG-DR). This Program will be conducted in compliance with Executive Order 11988. It includes the reconstruction, improvement, financing, and use of existing properties located in a floodplain for which approval is required, either from HUD under any applicable HUD program, or from a grant recipient subject to 24 CFR Part 58. This Floodplain Management Plan documents the eight-step decision making for the Program and pertains to activities within the Special Flood Hazard Area (SFHA) as defined by the Federal Emergency Management Agency (FEMA), or its successors, pursuant to the National Flood Insurance Program (NFIP), or a successor program, whether advisory, preliminary, or final.

Description of Proposed Program Activities

The State of New York was awarded funding, to be administered by the New York State Housing and Community Renewal (NYS HCR), to provide financial assistance to homeowners whose primary residences were substantially damaged by Superstorm Sandy, Tropical Storm Lee, and Hurricane Irene within various counties in the state of New York, including Herkimer County. NYS HCR is awarding this funding in accordance with the State of New York Action Plan for Community Development Block Grant Program – Disaster Recovery (Action Plan). The Action Plan provides for, among other things, assistance to owners of 5+ unit residential properties in Herkimer County, whose properties sustained damage from Hurricane Irene and/or Tropical Storm Lee.

Executive Order 11988 & 24 CFR Part 55

Under 24 CFR Section 55.20, an eight-step decision making process must be completed for proposed actions taking place in a floodplain. 24 CFR Part 55 implements Executive Order 11988—Floodplain Management. The order requires federal agencies (or a state agency implementing a Federal funding program) to reduce the loss of life and property caused by floods, minimize impacts of floods on human safety, health, and welfare, and preserve the natural and beneficial functions of floodplains. Under this order, federal agencies should first look at avoiding all actions in or adversely affecting floodplains unless no practicable alternatives exist. If no practicable alternatives exist, then federal agencies must evaluate the potential effects of the proposed action. In addition, federal agencies are required to demonstrate

that all practicable alternatives have resulted in the reduction or elimination of the long-and short-term adverse impacts associated with occupancy and modifications of the floodplain. This eight-step process includes assessing all practicable alternatives and incorporating public review.

Projects located within a SFHA are subject to Executive Order 11988. Information on where SFHAs are located is available on Flood Insurance Rate Maps (FIRMs) published by FEMA. FEMA uses engineering studies to determine the delineation of these areas or zones subject to flooding. The relevant data source for the SFHA is the latest issued FEMA data or guidance, which includes advisory data, such as Advisory Base Flood Elevations (ABFEs) or preliminary and final FIRMs.

The SFHA is the area that would be inundated by a 100-year flood: an area that has a one percent or greater chance of experiencing a flood in any single year. SFHAs are shown on FIRMs as shaded areas labeled with the letter "A" or "V".

- "V" zones are coastal flood hazard zones subject to wave run-up in addition to storm surge.
- "A" zones include all other SFHAs.
- "VE" zones, "AE" zones, "V" zones, or "A" zones followed by a number are areas with specific flood elevations, known as Base Flood Elevations (BFE).
- A zone with the letter "A" or "V" by itself is an appropriately studied flood hazard area without a specific flood elevation.
- Within an "AE" zone or a numbered "A" zone, there may be an area known as the "regulatory floodway," which is the channel of a river and adjacent land areas which must be reserved to discharge a 100-year flood without causing a rise in flood elevations.

The floodplain (FEMA Zones "A", "AE", "AH", "V", & "VE") covers large areas of Herkimer County. An approximate total of 83,790 acres of floodplain, including surface waters is mapped within the county boundary (source: Base GIS review of FEMA BFE data).

24 CFR Part 55.1 (c)

According to 24 CFR Part 55.1(c), except with respect to actions listed in Part 55.12(c), no HUD financial assistance (including mortgage insurance) may be approved after May 23, 1994 with respect to:

(1) Any action, other than a functionally dependent use, located in a floodway;

(2) Any critical action located in a coastal high hazard area (V zone) (a "critical action" is an action such as storage of volatile materials, irreplaceable record storage, or construction of a hospital or nursing home); or

(3) Any non-critical action located in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area or is a functionally dependent use and complies with the construction standards outlined in HUD Regulations 24 CFR Part 55 (c)(3).

24 CFR Parts 55.11 & 55.20

According to 24 CFR Parts 55.11 (including Table 1) and 55.20, non-critical actions are allowed in A or V zones only if the actions are reviewed in accordance with the floodplain management eight-step decision making process outlined in 24 CFR Part 55.20. An eight-step process was conducted for the activities of the NY Rising Housing Recovery Program for 5+ Unit Residential Properties in Herkimer County, as detailed below.

NYS HCR Approach

In applying Executive Order 11988 and 24 CFR Part 55, NYS HCR's approach is to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains as a result of the proposed actions. No funding will be committed in a floodway and no "critical actions" will receive funding.

Before funding is allocated to a particular site, the site will be reviewed for compliance with Executive Order 11988 using the following process, which will be documented and kept on file:

- The source of information will be documented on the Site-Specific Checklist.
- Action Plan Activities located within the SFHA, as identified by FEMA maps, have been reviewed in this document, a large scale 8-Step Process prepared in accordance with 24 CFR Part 55.20.
- NYS HCR or its authorized agent will review the property locations to identify any within a FEMA delineated floodway. Any properties located within a FEMA-delineated floodway are not eligible for the program.
- If the parcel is located within a SFHA and has been substantially damaged or requires substantial improvement (the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred), NYS HCR or its authorized agent will identify the base flood elevation at the site and determine applicable measures (as described, below) to mitigate impacts to the floodplain and to the residence.

Base Flood Elevations

In December 2012, FEMA issued ABFEs through its NFIP. The ABFEs increased the anticipated depth of tidal flooding during the 100-year flood in many areas and a corresponding increase in the area expected to be inundated by such a flood. In areas where preliminary ABFE maps have been developed, those maps would govern. In areas where no preliminary ABFE maps exist, FEMA Base Flood Elevations (BFR) data will be referenced for application of the Program within Herkimer County.

Required Mitigation Elevations

All development within SFHAs is subject to floodplain development regulations. When a New York State entity funds a project, all proposed reconstruction and repair of substantially damage structures in the floodplain must adhere to the latest (most recent) elevation requirements in accordance with 6 NYCRR Part 502 and the New York State Residential Building Code. Finally, each participating community has a local law for flood damage prevention that contains specific standards for any development SFHAs. Where no BFE exists, the lowest floor needs to be at least three feet above the highest adjacent grade.

Rehabilitation and mitigation work to substantially damaged structures conducted under this Program will comply with the strictest elevation requirements in the relevant regulations or Codes.

Within an "A" zone, when a base flood elevation is available, the lowest floor, including any basement, must be above the base flood elevation as described, above. Elevation may be by means of properly compacted fill, a solid slab foundation, or a "crawl space" foundation that contains permanent openings to let flood waters in and out. Where elevation is not technically feasible, the building may be flood-proofed as required.

Within a coastal "V" zone structures must be elevated on pilings, columns or sheer walls, such that the bottom of the lowest horizontal structural member supporting the lowest elevated floor is elevated above the base flood elevation, if technically feasible.

Compliance with these standards will be documented through the building permit and/or elevation certificate, which are required eligibility documents under this Program.

24 CFR Part 55.20 Eight-Step Process

Step One: Determine whether the proposed action is located in a 100-year floodplain.

The Program was created in response to severe coastal flooding and storm damage caused by Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee. The Action Plan Activities will address the State's need for safe, adequate, and affordable housing to the affected population within the legal framework of the program.

The geographic scope for the NY Rising Housing Recovery Program for 5+ Unit Residential Properties described herein is the jurisdictional area of Herkimer County, covering approximately 933,120 acres with approximately 83,790 acres in floodplains.

The Program activities are expected to take place on residential properties scattered throughout Herkimer County. Property owners of any location within the county that sustained damage from recent Hurricane Irene and/or Tropical Storm Lee are able to apply for the program (see EXHIBIT 1 Herkimer County Floodplain and Prospective Applicant Map). The actual property addresses of applicants participating in this program will not be verified until applications for assistance are reviewed and determined eligible for the program. However, eligible applicants are: owners of 5+ unit residential buildings, including owner-occupied rental properties, as well as non-owner-occupied properties that may be attached, semi-attached, or detached/scattered sites. Many eligible applicants would own buildings in a NFIP "V" or "A" zone, as indicated on the FIRM.

Funding would be provided in accordance with NYS's Action Plan for homeowners within Herkimer County who meet the program requirements. The Program would fund activities necessary for purchase, demolition, redevelopment, and other mitigation activities within the disturbed area of the previously developed parcel.

Step Two: Notify the public at the earliest possible time of a proposal to consider an action in a floodplain, and involve the affected and interested public in the decision making process.

Because the Program activities are located in the floodplain, NYS HCR must publish an early notice that allows the public an opportunity to provide input into the decision to provide funding for the program activities in this area. Once the early public notice and comment period is complete, the NYS HCR will assess, consider, and respond to the comments received individually and collectively for the project file, then proceed to Step Three.

A 15-day "Notice for Early Public Review of a Proposed Activity in a 100-Year Floodplain" was published in Herkimer Telegram on November 25, 2014. The 15-day period expires on December 11, 2014. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on November 25, 2014: Federal Emergency Management Agency (FEMA); U.S Fish and Wildlife Service (USFWS); U.S. Environmental Protection Agency (EPA); U.S. Army Corps of Engineers (USACE); National Park Service (NPS); National Oceanic and Atmospheric Administration (NOAA); NOAA National Marine Fisheries Service (NMFS); NYS Department Environmental Conservation; the NYS Office of Parks, Recreation and Historic Preservation; the NYS Department of Transportation; and the NYS Office of Emergency Management. The notice was also sent to Herkimer County and the towns and villages within Herkimer County (see **EXHIBIT 2** for the notice and email to federal and state agencies).

NYS HCR received no public comments on this notice.

Step Three: Identify and evaluate practicable alternatives to locating the proposed action in a floodplain.

After a consideration of the following alternatives, NYS HCR has determined the best practicable alternative is the Proposed Action. The alternative actions considered are as follows: No Action, Limited Action Alternative – Rehabilitation without Resiliency Measures, Limited Action Alternative – No Reimbursement Funding, and Limited Area Alternatives. These alternatives are discussed below.

No Action Alternative

Under the No Action Alternative, the funding for the proposed rehabilitation of 5+ unit residential properties in Herkimer County would not be authorized. Under the No Action Alternative, the damage caused to Herkimer County municipalities and neighborhoods would be repaired slowly or not at all, depending on the motivations of property owners and their access to resources to repair their properties. Hundreds of residences may not be rehabilitated and would deteriorate without the use of CDBG-DR funds. As a result, these owners and tenants may not be able to recover from the impacts of the storm events.

Furthermore, under the No Action Alternative Applicants would not be provided financial assistance to implement resiliency measures (e.g., elevating their homes), leaving their properties vulnerable to future flooding conditions. Therefore, unlike the proposed action, the No Action Alternative would neither address NYS's need for safe, decent, and affordable housing, nor would it require homes within the floodplain to be elevated to the highest standard for flood protection.

Limited Action Alternative – Rehabilitation without Resiliency Measures

Under this alternative, the funding for rehabilitation of 5+ unit residential properties in Herkimer County would be authorized, but the financial assistance would not include funding for resiliency measures. Reimbursements would be made available for eligible owners and tenants who have already engaged in repairs prior to applying for the program, allowing for those families to resume their normal contribution to the local economy. The reimbursements would encourage occupants to make necessary repairs more quickly, shortening the duration of impacts related to community character, and restoring normal conditions in the affected communities sooner. However, funding for improvements to homes including elevation and flood-proofing of structures, utility elevation, flood mitigation and other resiliency measures, would not be authorized.

Limited Action Alternative – No Reimbursement Funding

Under this alternative, the funding for rehabilitation of 5+ unit residential properties including improvements and resiliency measures in Herkimer County would be authorized; however, reimbursement for repairs and improvements that have already been implemented would not be authorized.

Reimbursements would not be made available for eligible owners and tenants who have already engaged in repairs prior to applying for the program, resulting in a negative effect on the local economy. Under this alternative, funding would be authorized for the implementation of improvements and resiliency measures (e.g., elevation or flood-proofing of homes and elevation of utilities). These measures would help prevent repetitive loss from future storms and aid the affected communities' efforts to increase resiliency to climate change and mitigation of severe storm risk.

This alternative would partially accomplish the goals of providing safe and adequate housing for residents of these homes, retaining neighborhood character over the long-term, and improving the communities' resiliency to future storms. However, unlike the proposed action, reimbursements would not be made available for eligible owners and tenants who have already engaged in repairs prior to applying for the program. Some of these residents undertook repairs with the understanding that reimbursements would eventually be made available. If relief is not granted, homeowners in future storm events may be dissuaded from making immediate and necessary repairs to their homes, and instead wait for a possible recovery program. A potential indirect and cumulative effect of this would be the further delay of the recovery of neighborhoods and communities, as delaying repairs and rehabilitation would prolong the impacts related to community character, and take longer to restore normal conditions in affected areas. The cumulative effects of the Limited Action Alternative – No Reimbursement Funding would be the same as the proposed action because funding for reimbursement for previously completed work would not contribute to future potential cumulative effects.

Limited Area Alternative

In certain limited areas with high flood risk, additional programs have been proposed for funding and are being assessed in forthcoming environmental assessments. Under the Limited Area Alternative - Buyout Option, funds would be authorized to purchase severely damaged residential properties, demolish any structures, and restore the property to natural conditions within Herkimer County. This would help restore large parts of the floodplain to their natural state. Under the Limited Area Alternative- Acquisition Option, funding would be authorized to purchase damaged residential properties for the purpose of future resilient redevelopment within Herkimer County.

Both of these options would involve relocating populations to less vulnerable areas away from the shore. This would result in a dramatic change to neighborhoods and communities, with associated local economies also being affected. Thus, the cost of the Buyout and/or Acquisition programs could be far greater than the cost of repairing and rebuilding in a more resilient manner in the existing developed parcel.

By themselves, these options do not satisfy the purpose and need of providing safe and adequate housing for residents of these homes and retaining neighborhood character. Therefore, these options have been eliminated from further consideration except in limited areas for certain counties.

These alternatives will be re-evaluated in light of any public comments received.

Step Four: Identify the potential direct and indirect impacts associated with the occupancy or modification of the floodplain.

NYS HCR has evaluated the alternatives to taking the proposed action in the floodplain, and has determined that the proposed activities must take place in the floodplain.

Potential impacts associated with the occupancy or modification of the floodplain include some degree of ongoing risk to residents who choose to live in the floodplain. While there are some inherent risks to living in a floodplain or area which experiences severe weather that cannot be completely avoided, the individual actions undertaken by the described NY Rising Housing Recovery Program for 5+ Unit Residential Properties would have a positive impact on Herkimer County communities by ensuring that residents are able to make repairs to their homes and increase the resiliency of residential buildings that are located within the floodplain.

While there is the potential for a cumulative impact from the generation of construction debris from the demolition and reconstruction of a great number of homes through the proposed action in conjunction with the other NY Rising Programs, most of the impact would be mitigated. Direct and indirect impacts on the floodplain from repair, reconstruction, and resiliency activities under the NY Rising Housing Recovery Program for 5+ Unit Residential Properties would be minimal as these Program sites are already developed with 5+ unit residential buildings.

The Program would facilitate the removal of debris and wreckage from applicant properties, and would protect public safety through the repair of unsafe buildings and the requirement that all substantially damaged residential properties located within the floodplain be elevated or flood-proofed to the strictest requirements. Rehabilitation of these parcels is necessary to maintain neighborhood characteristics, as the sites may be scattered and would be located within residential neighborhoods. As the properties would be repaired and improved through mitigation measures, the properties are also less likely to damage the floodplain with debris during future storm events.

As a result of the requirement that homeowners whose houses were substantially damaged be required to elevate or flood-proof their homes to the strictest standard, it is extremely unlikely that there would be a net increase in floodplain development in comparison to pre-hurricane conditions as a result of this program. In addition, the proposed activities would not likely increase floodplain occupancy, as the proposed activities would enable people to return to their homes, but would generally not expand the housing stock relative to conditions prior to Hurricane Irene and Tropical Storm Lee.

Step Five: Where practicable, design or modify the proposed action to minimize the potential adverse impacts within the floodplain and to restore and preserve its natural and beneficial values.

NYS HCR requires elevation or flood-proofing of all substantially damaged structures in the floodplain. When followed, these regulations would reduce the threat of flooding damage to the homes located in the floodplain. The FEMA BFEs represent the best available data.

Strict requirements for the disposal of debris are in place to prevent, to the extent possible, any negative impacts to the floodplain. The handling and disposal of demolition and construction debris, control of storm water runoff, and noise impacts resulting from the NY Rising Housing Recovery Program for 5+ Unit Residential Properties would be in accordance with all local, state, and federal regulation as part of the acceptance of assistance funding.

The program would also implement and maintain erosion and sedimentation control measures to prevent deposition of sediment and eroded soil in on-site and off-site wetlands and waters. Soil compaction would be controlled by minimizing program activities in vegetated areas, including lawns. BMPs, such as silt fence and erosion prevention, may be implemented if required by permits or agency discretion. Work in areas of soils with high wind erosion potential may have to occur only during calm weather conditions or include additional watering and other dust suppression mitigation methods. Thorough planning, engineering review, and design through the local permitting process would minimize soil erosion and damage to the floodplain that could result from program activities on sites with marginal soil properties.

Step Six: Reevaluate the proposed action to determine: (1) Whether it is still practicable in light of its exposure to flood hazards in the floodplain, the extent to which it will aggravate the current hazards to other floodplains, and its potential to disrupt floodplain values; and (2) Whether alternatives preliminarily rejected at Step Three are practicable in light of the information gained in Steps Four and Five.

NYS HCR has reevaluated the proposed action and determined that the NY Rising Housing Recovery Program for 5+ Unit Residential Properties is still practicable in light of its exposure to flood hazards in the floodplain. As the properties are already developed with 5+ unit dwellings, the Program will not aggravate current hazards to the floodplain, nor will the Program disrupt floodplain values.

Homeowners participating in this program will be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding and high-wind events, and benefit floodplain values:

1. All proposed reconstruction and repair of substantially damage structures in the floodplain must adhere to the latest (most recent) elevation requirements in accordance with 6 NYCRR Part 502 or the New York State Residential Building Code;
2. All participants in the Recovery Program must carry flood insurance on the subject structure, when mandated, in perpetuity; and
3. In the case of Coastal High Hazard areas (“V” or “VE” zones on the FEMA-issued Maps), the applicant is required to adhere to construction standards, methods, and techniques requiring a registered professional engineer to either develop, review, or approve, per the associated location, specific Applicant elevation plans that demonstrate

that the design meets the current standards for “V” zones in FEMA regulation 44 CFR Part 60.3 (e) as required by HUD Regulation 24 CFR Part 55.1 (c)(3). Therefore, the requirements of the Recovery Program will help ensure a minimal adverse impact to the floodplain.

NYS HCR has also reconsidered the alternatives discussed in Step Three and determined the best practicable alternative is the Proposed Action. The alternative actions considered are as follows: No Action, Limited Action Alternative—Rehabilitation without Resiliency Measures, Limited Action Alternative—Rehabilitation without Reimbursements, and Limited Area Options (Buyouts and Acquisitions). These alternatives do not meet the goals of the NY Rising Housing Recovery Program for 5+ Unit Residential Properties. Because the proposed action is specifically designed to repair and reconstruct multi-family residential properties, many of which are located within the floodplain, there is no practicable alternative to locating the proposed action in the floodplain.

An award under the Action Plan would require all proposed reconstruction and repair of substantially damage structures in the floodplain to adhere to the latest (most recent) elevation requirements in accordance with 6 NYCRR Part 502 and the New York State Residential Building Code. Therefore, there would be less of an impact upon the floodplain than the alternatives considered.

Step Seven: If the reevaluation results in a determination that there is no practicable alternative to locating the proposal in the floodplain, publish a final notice.

It is NYS HCR’s determination that there is no better alternative than to provide funding for the proposed action in the floodplain. This is due to: 1) the need to provide safe, decent and affordable housing; 2) the desire to avoid displacing residents; and 3) the ability to mitigate and minimize impacts on human health, public property, and floodplain values.

A 7-day "Notice for Final Public Review of a Proposed Activity in a 100-Year Floodplain" was published in Herkimer Telegram on December 18, 2014. The 7-day period expires on December 26, 2014. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on December 18, 2014: Federal Emergency Management Agency (FEMA); U.S Fish and Wildlife Service (USFWS); U.S. Environmental Protection Agency (EPA); U.S. Army Corps of Engineers (USACE); National Park Service (NPS); National Oceanic and Atmospheric Administration (NOAA); NOAA National Marine Fisheries Service (NMFS); NYS Department Environmental Conservation; the NYS Office of Parks, Recreation and Historic Preservation; the NYS Department of Transportation; and the NYS Office of Emergency Management. The notice was also sent to Herkimer County and the towns and villages within Herkimer County. (See **EXHIBIT 3** for the notice and email to federal and state agencies.)

NYS HCR received **0** public comments on this notice. See **EXHIBIT 4** for the list of comments received and the response to those comments.

Step Eight: Implement the Action

Step eight is implementation of the proposed action. NYS HCR will ensure that all mitigation measures prescribed in the steps above will be adhered to. Furthermore, NYS HCR will conduct a NEPA review in accordance with 24 CFR Part 58 and a NY State Environmental Quality Review Act (SEQR) review in accordance with 6 NYCRR Part 617.

EXHIBIT 1 Herkimer County Floodplain and Prospective Applicant Map

EXHIBIT 2 Copy of Notice Transmitting Notice of Early Public Review and Proof of Publication

EXHIBIT 3 Copy of Notice Transmitting Notice of Final Public Review and Proof of Publication

EXHIBIT 4 Public Comments Received and Response

EXHIBIT 1 Herkimer County Floodplain and Prospective Applicant Map

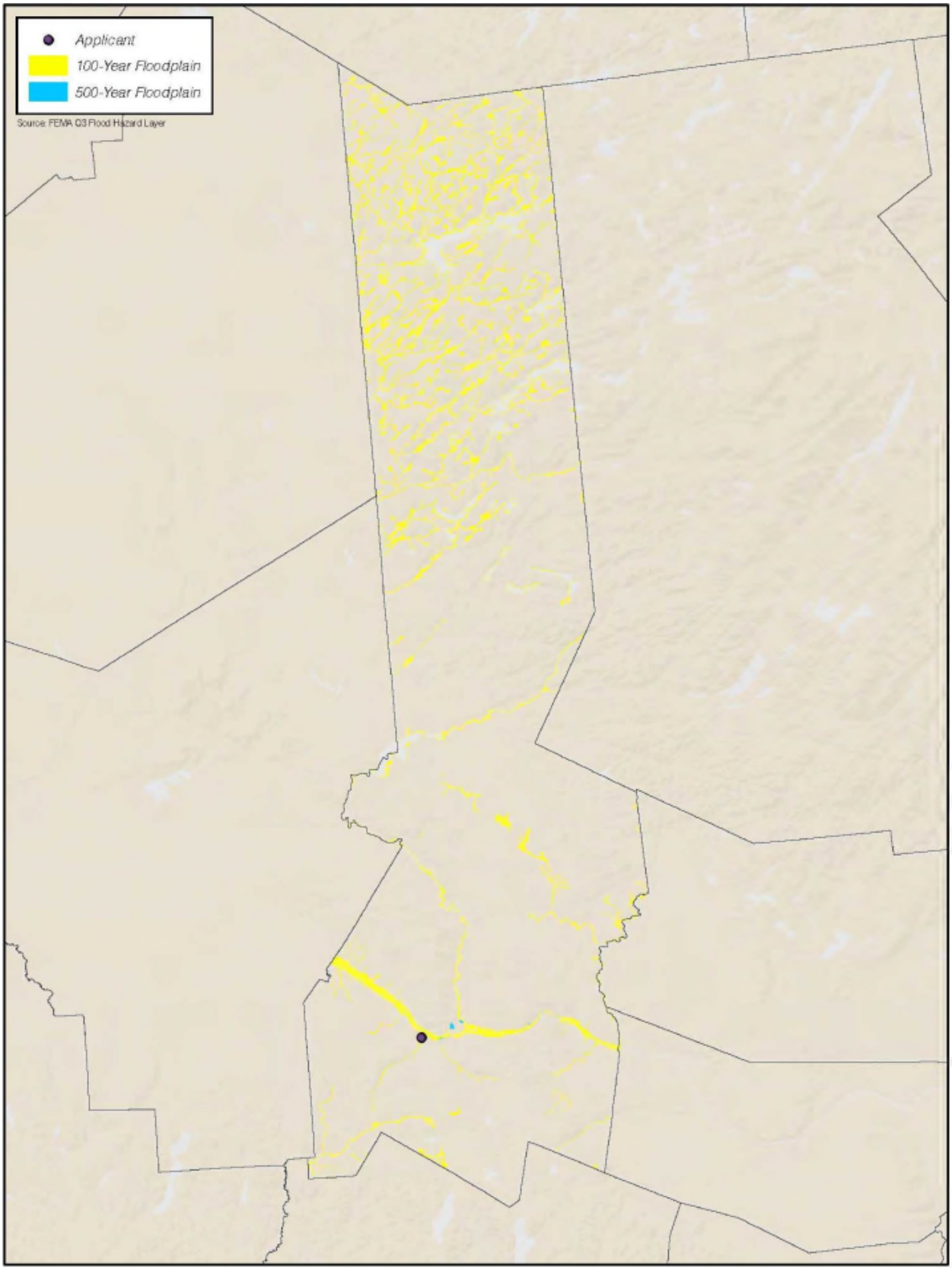

EXHIBIT 2 Copy of Notice Transmitting Notice of Early Public Review and Proof of Publication

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN – HERKIMER COUNTY, NY

COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM

New York State Homes and Community Renewal
Hampton Plaza
38-40 State Street
Albany, New York 12207
(646) 417-4660

NOTIFICATION OF ACTIVITY IN A FLOODPLAIN

To: All interested Agencies, Groups, and Individuals

This is to give notice that New York State Homes and Community Renewal (NYS HCR) has conducted an evaluation as required by Executive Order 11988 in accordance with HUD regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and Protection of Wetlands, to determine the potential effects that its activity in the floodplain would have on the human environment. This activity—NY Rising Housing Recovery Program for 5+ Unit Residential Properties—is funded under the Community Development Block Grant – Disaster Recovery (CDBG-DR) Program pursuant to Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

Pursuant to the CDBG-DR Program and Federal Register Notices 78 Fed. Reg. 14329, 78 Fed. Reg. 69104 and 79 Fed. Reg. 62182 (Notices), published March 5, 2013, November 18, 2013, and October 16, 2014, respectively, NYS has been allocated approximately $4.4 billion of CDBG-DR funds for storm recovery activities, including but not limited to the acquisition, demolition, reconstruction, improvement, financing, and use of existing properties in storm-impacted municipalities and counties. A portion of the current allocation will be used for the repair, rehabilitation, replacement, storm mitigation, and reimbursement for completed repairs to owners and renters of residential properties in Herkimer County whose 5+ unit residential properties were damaged or destroyed by Hurricane Irene and/or Tropical Storm Lee. This Notice pertains to properties opting into the NY Rising Housing Recovery Program for 5+ Unit Residential Properties in Herkimer County, NY.

There are approximately 83,790 acres of surface water and floodplain in Herkimer County. Floodplains are delineated on the FEMA Base Flood Elevation Maps, which can be viewed at www.msc.fema.gov. The actual property addresses of applicants participating in this program will not be verified until applications for assistance are reviewed and determined eligible for the program. A map indicating the general location of potential applicants within the floodplain can be viewed at http://stormrecovery.ny.gov/environmental-docs.

Eligible owners of residential properties with five or more units that sustained damage from Hurricane Irene and/or Tropical Storm Lee will be issued grant awards. These awards will fund activities necessary to restore storm-damaged multi-unit properties, including repairs, reimbursement, reconstruction, elevation, flood-proofing, and/or other mitigation activities within the disturbed area of the previously developed parcels in the floodplain.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains facilitates and enhances Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the Floodplain Management Plan or a request for further information to Thomas King, Certifying Officer, NYS Homes and Community Renewal – Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, NY 12231. Written comments may also be submitted via email to Thomas King at *NYSCDBG_DR_ER@nyshcr.org*. Please include "Herkimer County Floodplain Management Comments" in the subject line. All comments received by **December 11, 2014** will be considered by NYS HCR**.** For more information call (646) 417-4660 between the hours of 9am and 5pm.

Thomas J. King, NYS Homes and Community Renewal, Governor's Office of Storm Recovery
Certifying Officer

November 25, 2014

STATE OF NEW YORK)
)ss
County of Oneida)

Patricia Zehr of the City of Utica, in said county, being duly sworn, says she is the Principal Clerk of the Utica Observer-Dispatch the Publishers of (The Telegram /The Times), a daily newspaper printed and published in the city of Utica, County and State aforesaid, and that an advertisement of which the attached is a copy, cut from the columns of said paper has been regularly published in said paper on each of the following dates:

11/25/14

Patricia Zehr

Sworn to before me this

25 day of Nov 2014

Theresa B. McFadden

NOTARY PUBLIC ONEIDA CO., N.Y.

THERESA B MCFADDEN
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MC6303520
Qualified in Madison County
My Commission Expires May 12, 2018

LEGAL NOTICE

PUBLIC NOTICE

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN – HERKIMER COUNTY, NY

COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM

New York State Homes and Community Renewal
Hampton Plaza
38-40 State Street
Albany, New York 12207
(646) 417-4660

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There are approximately 83,790 acres of surface water and floodplain in Herkimer County. Floodplains are delineated on the FEMA Base Flood Elevation Maps, which can be viewed at *www.msc.fema.gov*. The actual property addresses of applicants participating in this program will not be verified until applications for assistance are reviewed and determined eligible for the program. A map indicating the general location of potential applicants within the floodplain can be viewed at *http://stormrecovery.ny.gov/environmental-docs*.

Eligible owners of residential properties with five or more units that sustained damage from Hurricane Irene and/or Tropical Storm Lee will be issued grant awards. These awards will fund activities necessary to restore storm-damaged multi-unit properties, including repairs, reimbursement, reconstruction, elevation, flood-proofing, and/or other mitigation activities within the disturbed area of the previously developed parcels in the floodplain.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains facilitates and enhances Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the Floodplain Management Plan or a request for further information to Thomas King, Certifying Officer, NYS Homes and Community Renewal – Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, NY 12231. Written comments may also be submitted via email to Thomas King at *NYSCDBG_DR_ER@nyshcr.org*. Please include "Herkimer County Floodplain Management Comments" in the subject line. All comments received by **December 11, 2014** will be considered by NYS HCR. For more information call (646) 417-4660 between the hours of 9am and 5pm.

Thomas J. King, NYS Homes and Community Renewal, Governor's Office of Storm Recovery Certifying Officer

November 25, 2014

HK-Telegram: 11/25/2014

EXHIBIT 3 Copy of Notice Transmitting Notice of Final Public Review and Proof of Publication

FINAL NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN – HERKIMER COUNTY, NY

COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM

New York State Homes and Community Renewal
Hampton Plaza
38-40 State Street
Albany, New York 12207
(646) 417-4660

NOTIFICATION OF ACTIVITY IN A FLOODPLAIN

To: All interested Agencies, Groups, and Individuals

This is to give notice that New York State Homes and Community Renewal (NYS HCR) has conducted an evaluation as required by Executive Order 11988 in accordance with HUD regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and Protection of Wetlands, to determine the potential effects that its activity in the floodplain would have on the human environment. This activity—NY Rising Housing Recovery Program for 5+ Unit Residential Properties—is funded under the Community Development Block Grant – Disaster Recovery (CDBG-DR) Program pursuant to Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

Pursuant to the CDBG-DR Program and Federal Register Notices 78 Fed. Reg. 14329, 78 Fed. Reg. 69104 and 79 Fed. Reg. 62182 (Notices), published March 5, 2013, November 18, 2013, and October 16, 2014, respectively, NYS has been allocated approximately $4.4 billion of CDBG-DR funds for storm recovery activities, including but not limited to the acquisition, demolition, reconstruction, improvement, financing, and use of existing properties in storm-impacted municipalities and counties. A portion of the current allocation will be used for the repair, rehabilitation, replacement, storm mitigation, and reimbursement for completed repairs to owners and renters of residential properties in Herkimer County whose 5+ unit residential properties were damaged or destroyed by Hurricane Irene and/or Tropical Storm Lee. This Notice pertains to properties opting into the NY Rising Housing Recovery Program for 5+ Unit Residential Properties in Herkimer County, NY.

There are approximately 83,790 acres of surface water and floodplain in Herkimer County. Floodplains are delineated on the FEMA Base Flood Elevation Maps, which can be viewed at www.msc.fema.gov. The actual property addresses of applicants participating in this program will not be verified until applications for assistance are reviewed and determined eligible for the program. A map indicating the general location of potential applicants within the floodplain can be viewed at http://stormrecovery.ny.gov/environmental-docs.

Eligible owners of residential properties with five or more units that sustained damage from Hurricane Irene and/or Tropical Storm Lee will be issued grant awards. These awards will fund activities necessary to restore storm-damaged multi-unit properties, including repairs, reimbursement, reconstruction, elevation, flood-proofing, and/or other mitigation activities within the disturbed area of the previously developed parcels in the floodplain.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains facilitates and enhances Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

FLOODPLAIN MANAGEMENT PLAN

NYS HCR has reevaluated the alternatives to building in the floodplain and has determined that there is no practicable alternative. A full copy of the Floodplain Management Plan (8-step process) documenting compliance with Executive Order 11988 can be viewed online at http://stormrecovery.ny.gov/environmental-docs or at the addresses listed below under public comments.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the Floodplain Management Plan or a request for further information to Thomas King, Certifying Officer, NYS Homes and Community Renewal – Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, NY 12231. Written comments may also be submitted via email to Thomas King at *NYSCDBG_DR_ER@nyshcr.org*. Please include "Herkimer County Floodplain Management Comments" in the subject line. All comments received by **December 26, 2014** will be considered by NYS HCR**.** For more information call (646) 417-4660 between the hours of 9am and 5pm.

Thomas J. King, NYS Homes and Community Renewal, Governor's Office of Storm Recovery
Certifying Officer

December 18, 2014

EXHIBIT 4 Public Comments Received and Response

There have been no comments received.